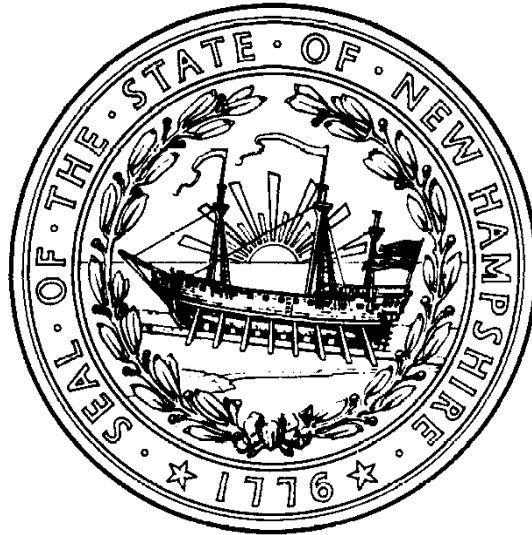


**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE**



**RECOVERY ACT – OVC FY 09 VOCA  
VICTIM COMPENSATION FORMULA  
GRANT PROGRAM**

**APPLICATION**

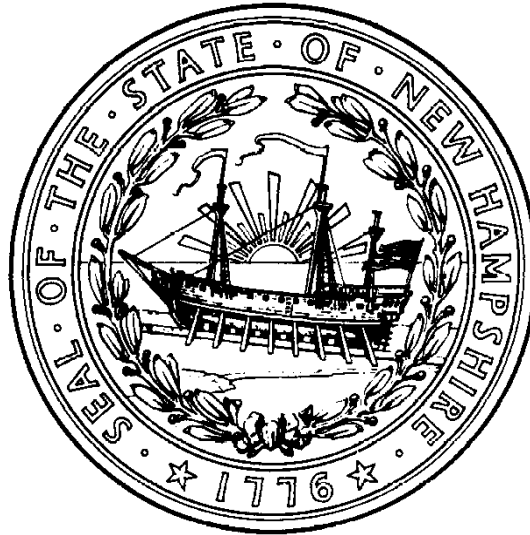
**John H. Lynch, Governor  
Kelly A. Ayotte, Attorney General**

<b>APPLICATION FOR FEDERAL ASSISTANCE</b>	2. DATE SUBMITTED  March 13, 2009	Applicant Identifier
1. TYPE OF SUBMISSION  Application Non-Construction	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
<b>5. APPLICANT INFORMATION</b>		
Legal Name  New Hampshire Department of Justice		Organizational Unit  New Hampshire Department of Justice
Address  33 Capitol Street Concord, New Hampshire 03301-6397		Name and telephone number of the person to be contacted on matters involving this application  Brezosky, Jane (603) 271-1224
6. EMPLOYER IDENTIFICATION NUMBER (EIN)  02-6000618		7. TYPE OF APPLICANT  State
8. TYPE OF APPLICATION  New		9. NAME OF FEDERAL AGENCY  Office for Victims of Crime
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE  NUMBER: 16.802 CFDA 16.802 - Recovery Act - Victim Compensation TITLE: Formula Grants		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT  Recovery Act - OVC FY 09 VOCA Victim Compensation Formula Grant Program
12. AREAS AFFECTED BY PROJECT  State		
13. PROPOSED PROJECT Start Date: October 01, 2008 End Date: September 30, 2012		14. CONGRESSIONAL DISTRICTS OF  a. Applicant b. Project NH00
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?  This preapplication/application was
Federal	\$60,301	
Applicant	\$0	
State	\$0	

Local	\$0	made available to the state executive order 12372 process for review on 03/12/2009
Other	\$0	
Program Income	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?  N
TOTAL	\$60,301	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

Close Window

**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE**



**RECOVERY ACT – OVC FY 09 VOCA  
VICTIM COMPENSATION FORMULA  
GRANT PROGRAM**

**APPLICATION**

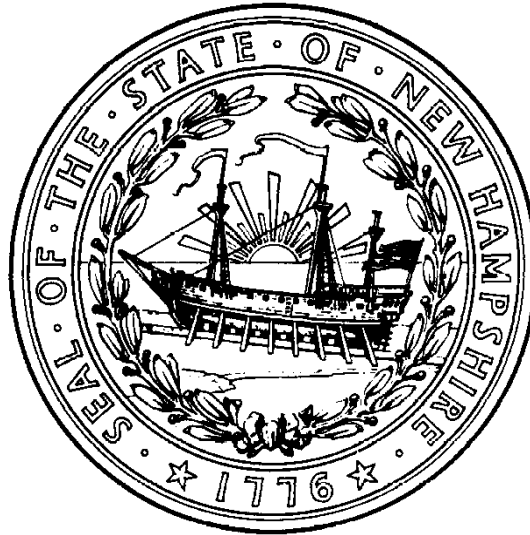
**File 1: Administrative and Training Funds**

**John H. Lynch, Governor  
Kelly A. Ayotte, Attorney General**

## **Administrative and Training Funds**

The State of New Hampshire elects to utilize a maximum of 5% of our Recovery Act OVC FY 09 VOCA Compensation grant funds for administrative purposes. These funds will be used to support allowable personnel, benefits and other direct costs associated with our Victim Compensation program. The state grantee certifies that the use of these funds will not supplant state or local funds available for the administration of this program.

**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE**



**RECOVERY ACT – OVC FY 09 VOCA  
VICTIM COMPENSATION FORMULA  
GRANT PROGRAM**

**APPLICATION**

**File 2: Certification of State Grantee Eligibility  
Requirements**

**John H. Lynch, Governor  
Kelly A. Ayotte, Attorney General**

The State of New Hampshire has always complied with the VOCA Compensation eligibility requirements over the history of the program. The State of New Hampshire certifies that it complies with, and further agrees to comply with, the following VOCA Compensation eligibility requirements in the future:

The State of New Hampshire:

Promotes victim cooperation with reasonable requests of law enforcement authorities.

Certifies that grants received for crime victim compensation will not be used to supplant state funds otherwise available to provide crime victim compensation.

Provides compensation to residents and nonresidents on the same basis.

Provides compensation to victims of federal crimes occurring within the state on the same basis that it provides compensation to victims of state crimes.

Does not, except according to state-established rules, deny compensation to any victim because of the victim's familial relationship to the offender or because the victim and offender share the same residence.

Includes as compensable those crimes that result in victims suffering death or personal injury as a result of the intentional or attempted defacement, damage, or destruction of any religious real property because of its religious character, or the obstruction, by force, or threat of force, of any person's enjoyment of the free exercise of religious beliefs when the crime is covered by interstate or foreign commerce. VOCA also requires that states include as compensable those crimes that result in victims suffering death or personal injury as a result of the intentional or attempted defacement,

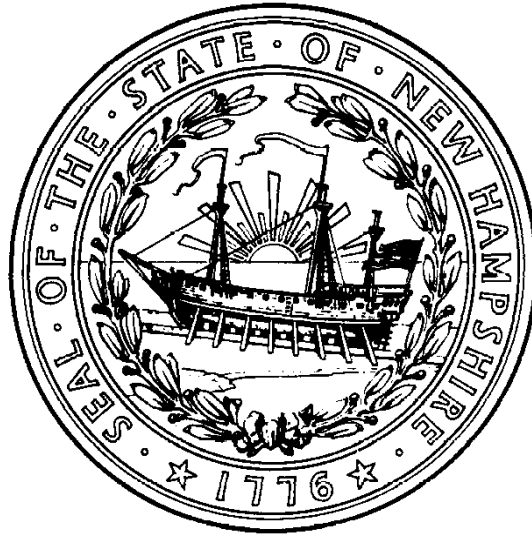
damage, or destruction of any religious real property because of the race, color, or ethnic characteristics of any individual associated with the religious property.

Provides other information and assurances related to the crime victim compensation program that the OVC Director may reasonably require.

Requires that the grantee assist OVC in implementing its responsibilities under the National Historic Preservation Act (NHPA). Specifically, the grantee will establish and maintain records when reviewing and considering any request for use of grant funds that involves proposed renovation work. Renovation work includes altering or otherwise improving the exterior or interior of a structure. This applies to proposed renovation work that is not only specifically funded with OVC compensation grant funds, but also may be funded by the grantee or any third party as a prerequisite to accommodate the proposed use of the grant funds. This provision is limited to state grantees and cannot be passed through as an obligation for a victim. The grantee must certify to OVC that they have established and maintain records of any proposed renovation work on a structure that is less than 50 years old or 50 years and older. If the structure is determined to be less than 50 years old and this fact is documented in the grant file, no further action is required. If any portion of the structure is 50 years or older, the grantee is required to contact the State Compensation and Assistance Division Director at 202-307-5983 to provide information needed for the NHPA consultation process. This may include assisting OVC to consult with the State Historic Preservation Officer and amending the proposed renovation work to avoid any potential adverse impact to the historic structure. The grantee assures not to fund any proposed renovation of a structure 50 years or older until the grantee has received written approval from OVC.



**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE**



**RECOVERY ACT – OVC FY 09 VOCA  
VICTIM COMPENSATION FORMULA  
GRANT PROGRAM**

**APPLICATION**

**File 3: State Statutes on Victim Compensation**

**John H. Lynch, Governor  
Kelly A. Ayotte, Attorney General**

# **NH State Laws Relating to Victim's Compensation**

## **§ 21-M:8-f. Victims' Assistance Program; Administration.**

There is established a victims' assistance program to be administered by the department of justice.

### **History**

**Source.** 1989, 417:2, eff. Jan. 1, 1990.

## **§ 21-M:8-g. Victims' Assistance Commission.**

I. A victims' assistance commission is hereby established to review and award victims' claims for compensation. The attorney general shall nominate not fewer than 3 nor more than 5 persons to serve as members of this commission. Appointments shall be effective when the nominations are approved by the governor and council.

II. The commission may accept private donations and contributions to be used to compensate victims under RSA 21-M:8-h. Any money received by the commission pursuant to this paragraph shall be deposited to the account of the commission and shall not lapse.

III. The commission shall review claims from victims for compensation and make compensation awards from the victims' assistance fund and from private donations and contributions received under paragraph II.

### **History**

**Source.** 1989, 417:2, eff. Jan. 1, 1990.

## **§ 21-M:8-h. Claimant Eligibility; Compensation.**

I. (a) Victims eligible for compensation are:

(1) any person who sustains personal injury as a result of a felony or misdemeanor;

(2) any person who sustains personal injury caused by a person driving under the influence of alcohol or controlled substances;

(3) any person who is a victim of sexual abuse and is under the age of 18 at the time the claim is filed.

(b) In the case of a child victim, the claimant, guardian ad litem, advocate or parent may claim compensation in the victim's stead. If the victim is incompetent or in the case of a victim's death as a direct result of the crime, the immediate family of the victim is eligible to claim compensation. In the case of a victim's disability as a direct result of the crime, the victim's legal representative may claim compensation in the victim's stead.

II. The claimant, guardian ad litem or child advocate, or parent shall file a claim for compensation within one year of the crime, unless good cause is shown.

III. A claimant shall not be deemed ineligible for compensation based solely upon failure to apprehend the offender, or based solely upon failure of the state to obtain a conviction against the offender, providing there is reasonable evidence to sustain the claim that a crime had been committed which resulted in injury to the victim.

IV. The commission may consider the finding of innocence or guilt of the alleged offender in arriving at their determination of eligibility of the claimant. In determining eligibility and the amount of compensation to be awarded, the commission shall consider the contributory fault of the victim in causing his injury. If compensation is paid to members of the accused's immediate family, or persons who reside with or who have maintained a continuous relationship with the accused, the accused shall receive no benefit or enrichment as a result of payment of such compensation.

V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses and lost wages directly resulting from the crime. No reimbursement shall be paid unless the claimant has incurred reimbursable expenses of at least \$100. There shall be a \$10,000 ceiling on recovery per claimant per incident. If expenses paid through the victims' assistance program fund are later covered by insurance settlements, civil suit settlements, or restitution, or through any other source, the claimant shall reimburse the fund for the amount of expenses recovered.

V-a. Notwithstanding any right by a victim to claim restitution or a court order for restitution under RSA 651:62-67, a victim shall be eligible for compensation under this section.

VI, VII. [Repealed.]

## **History**

**Source.** 1989, 417:2, 8. 1992, 220:6, I. 1993, 131:1, eff. July 1, 1993. 1994, 394:1, eff. June 10, 1994. 1996, 286:1-3, eff. July 1, 1997.

Annotations

Amendments--1996. Paragraph I: Rewritten to the extent that a detailed comparison would be impracticable.

Paragraph V: Substituted "\$10,000" for "\$5,000" in the third sentence.

Paragraph V-a: Added.

--1994. Paragraph I: Rewritten to the extent that a detailed comparison would be impracticable.

--1993. Paragraph I: Rewrote the first sentence and added the second sentence.

Paragraph II: Inserted "guardian ad litem or child advocate, or parent" preceding "shall file" and substituted "one year" for "60 days" following "compensation within".

--1992. Repealed pars. VI and VII.

Applicability of 1994 amendment. 1994, 394:5, eff. June 10, 1994, provided that the amendment to this section by 1994, 394:1, shall apply to all offenses committed on or before June 10, 1994.

## **CROSS REFERENCES**

Restitution, see RSA 651:61-a et seq.

### **§ 21-M:8-i. Administration of Fund.**

I. Subject to the availability of money in the victims' assistance fund, the attorney general shall make grants for the establishment and maintenance of victim assistance programs.

II. A victim assistance program is eligible to receive grants under this section if such program:

(a) is within the office of a county attorney; or

(b) is operated by a public agency or a private nonprofit organization or a combination of such agencies or organizations and provides services to victims of crime, and demonstrates:

(1) a record of providing effective services to victims of crime and financial support from sources other than the fund; or

(2) substantial financial support from sources other than the fund; or

(c) Is a program approved by the attorney general and provides services to victims of sexual assault.

III. A victim assistance program shall expend sums received under this section only for providing services to victims of crime.

IV. No more than 15 percent of the money in the victims' assistance fund shall be used by the attorney general for the costs of administration of the victims' assistance fund and the administrative costs of the victims' assistance commission.

V. The remainder of the money in the victims' assistance fund shall be used by the attorney general for the compensation of victims in accordance with RSA 21-M:8-h.

### **History**

**Source.** 1989, 417:2, eff. Jan. 1, 1990. 1999, 261:2, eff. July 1, 1999. 2002, 176:2, 3, eff. July 1, 2002.

#### **Annotations**

Amendments--2002. Paragraph I: Deleted "totaling not more than 25 percent of the victims' assistance fund" following "make grants".

Paragraph II: Made a minor stylistic change in subpar. (b)(2) and added subpar. (c).

--1999. Paragraph I: Substituted "25 percent" for "55 percent" in the first sentence and deleted the second sentence.

### **§ 21-M:8-j. Rulemaking.**

The attorney general shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for victims' assistance claims.

II. The standards which the victims' assistance commission shall apply in making a determination on each claim.

III. The qualifications, nomination procedures, and terms for victims' assistance commission members.

IV. The reimbursement of funds awarded to persons compensated by the victims' assistance fund who later receive compensation for injuries or expenses from other sources.

V. Procedures for payment of compensation when paid to members of the accused's immediate family or persons who reside with or have maintained a continuous relationship with the accused, which will prevent the accused from receiving any benefit or enrichment from such compensation.

## **History**

**Source.** 1989, 417:2, eff. Jan. 1, 1990.  
Annotations

## **Library References**

NH Admin Rules of the Department of Justice, Jus 601.01 et seq., New Hampshire Code of Administrative Rules.

## **§ 21-M:8-k. Rights of Crime Victims.**

I. As used in this section:

(a) 'Victim' means a person who suffers direct or threatened physical, emotional, psychological or financial harm as a result of the commission or the attempted commission of a crime. 'Victim' also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim.

(b) 'Crime' means a violation of a penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than one year or an offense expressly designated by law to be a felony.

II. To the extent that they can be reasonably guaranteed by the courts and by law enforcement and correctional authorities, and are not inconsistent with the constitutional or statutory rights of the accused, crime victims are entitled to the following rights:

(a) The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

(b) The right to be informed about the criminal justice process and how it progresses.

(c) The right to be free from intimidation and to be reasonably protected from the accused throughout the criminal justice process.

(d) The right to be notified of all court proceedings.

(e) The right to attend trial and all other court proceedings the accused has the right to attend.

(f) The right to confer with the prosecution and to be consulted about the disposition of the case, including plea bargaining.

(g) The right to have inconveniences associated with participation in the criminal justice process minimized.

(h) The right to be notified if presence in court is not required.

(i) The right to be informed about available resources, financial assistance, and social services.

- (j) The right to restitution, as granted under RSA 651:62-67 or any other applicable state law, or victim's compensation, under RSA 21-M:8-h or any other applicable state law, for their losses.
- (k) The right to be provided a secure, but not necessarily separate, waiting area during court proceedings.
- (l) The right to be advised of case progress and final disposition.
- (m) The right of confidentiality of the victim's address, place of employment, and other personal information.
- (n) The right to the prompt return of property when no longer needed as evidence.
- (o) The right to have input in the probation pre-sentence report impact statement.
- (p) The right to appear and make a written or oral victim impact statement at the sentencing of the defendant or, in the case of a plea bargain, prior to any plea bargain agreement.
- (q) The right to be notified of an appeal, an explanation of the appeal process, the time, place and result of the appeal, and the right to attend the appeal hearing.
- (r) The right to be notified and to attend sentence review hearings and sentence reduction hearings.
- (s) The right to be notified of any change of status such as prison release, permanent interstate transfer, or escape, and the date of the parole board hearing, when requested by the victim through the victim advocate.
- (t) The right to address or submit a written statement for consideration by the parole board on the defendant's release and to be notified of the decision of the board, when requested by the victim through the victim advocate.

III. Nothing in this section shall be construed as creating a cause of action against the state, a county or municipality, or any of their agencies, instrumentalities, or employees. Nothing in this section shall be construed as creating any new cause of action or new remedy or right for a criminal defendant.

## **History**

**Source.** 1991, 39:2. 1993, 356:2, eff. Aug. 5, 1993.

### **Annotations**

Amendments--1993. Paragraph II(p): Added "or, in the case of a plea bargain, prior to any plea bargain agreement" following "defendant".

## **CROSS REFERENCES**

Restitution, see RSA 651:61-a et seq.

Victim's rights in cases involving violent crimes by minor, see RSA 169-B:35-a.

## **§ 21-M:8-l. Restitution to the Victims' Assistance Fund.**

Notwithstanding RSA 651:63, a court may order restitution to the victims' assistance fund as a part of a sentence, to the extent that moneys were awarded to the victim of the crime from the victims' assistance fund, if the court finds that:

I. [Repealed.]

II. Restitution shall replenish the victims' assistance fund.

III. The victims' assistance fund has not been reimbursed for the moneys expended from another source.

## **History**

**Source.** 1993, 42:1, eff. Jan. 1, 1994. 1996, 286:21, I, eff. July 1, 1997.

Annotations

Amendments--1996. Paragraph I: Repealed.

## **§ 651:61-a. Statement of Purpose.**

I. The legislature finds and declares that the victims of crimes often suffer losses through no fault of their own and for which there is no compensation. It also finds that repayment, in whole or in part, by the offender to the victim can operate to rehabilitate the offender. It is the purpose of this act to establish a presumption that the victim will be compensated by the offender who is responsible for the loss. Restitution by the offender can serve to reinforce the offender's sense of responsibility for the offense, to provide the offender the opportunity to pay the offender's debt to society and to the victim in a constructive manner, and to ease the burden of the victim as a result of the criminal act.

II. The legislature does not intend that restitution be contingent upon an offender's current ability to pay or upon the availability of other compensation. The legislature intends that the court increase, to the maximum extent feasible, the number of instances in which victims receive restitution. The legislature does not intend the use of restitution to result in preferential treatment for offenders with substantial financial resources.

## **History**

**Source.** 1996, 286:6, eff. July 1, 1997.

## **§ 651:62. Definitions.**

As used in this subdivision, unless the context otherwise indicates:

I. 'Claimant' means a victim, dependent, or any person legally authorized to act on behalf of the victim.

II. 'Dependent' means any person who was wholly or partially dependent upon the victim for care and support when the crime was committed.

III. 'Economic loss' means out-of-pocket losses or other expenses incurred as a direct result of a criminal offense, including:

(a) Reasonable charges incurred for reasonably needed products, services and accommodations, including but not limited to charges for medical and dental care, rehabilitation, and other remedial treatment and care including mental health services for the victim or, in the case of the death of the victim, for the victim's spouse and immediate family;

(b) Loss of income by the victim or the victim's dependents;

(c) The value of damaged, destroyed, or lost property;

(d) Expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured or deceased victim would have performed, if the crime had not occurred, for the benefit of the victim or the victim's dependents;

(e) Reasonable expenses related to funeral and burial or crematory services for the decedent victim.

IV. 'Offender' means any person convicted of a criminal or delinquent act.

V. 'Restitution' means money or service provided by the offender to compensate a victim for economic loss, or to compensate any collateral source subrogated to the rights of the victim, which indemnifies a victim for economic loss under this subdivision.

VI. 'Victim' means a person or claimant who suffers economic loss as a result of an offender's criminal conduct or the good faith effort of any person attempting to prevent or preventing the criminal conduct.

## History

**Source.** 1981, 329:2. 1994, 190:1, eff. Sept. 21, 1994. 1996, 286:7, eff. July 1, 1997.

Annotations

Amendments--1996. Rewritten to the extent that a detailed comparison would be impracticable.

--1994. Paragraph V: Inserted "or to any collateral source subrogated to the rights of the victim, which indemnifies a victim for personal injury, death or economic loss" preceding "under this".

Annotations

### Analysis

1. Violations.
2. Economic losses.
1. Violations.

A violation is a "crime" within the meaning of the statute, and a person who commits a violation is an "offender" within the meaning of the statute and can be sentenced to pay restitution. *State v. Woods*, 139 N.H. 399, 654 A.2d 960 (1994).

2. Economic losses.

Defendant may be held liable for economic losses directly resulting from factual allegations that support conduct covered by conviction. Where several factors contribute to loss suffered by victim, court should apportion costs so that restitution reasonably represents amount of loss victim sustained as a result of offense. *State v. Eno*, 143 N.H. 465, 727 A.2d 981 (1999). Cited. *State v. Fleming*, 125 N.H. 238, 480 A.2d 107 (1984); *State v. Springer*, 133 N.H. 223, 574 A.2d 1381 (1990); *State v. W.J.T. Enters., Inc.*, 136 N.H. 490, 618 A.2d 806 (1992).

Library References



ALR Measure and elements of restitution to which victim is entitled under state criminal statute. 15 ALR5th 391.

Persons or entities entitled to restitution as "victim" under state criminal restitution statute. 92 ALR5th 35.

### **§ 651:63. Restitution Authorized.**

I. Any offender may be sentenced to make restitution in an amount determined by the court. In any case in which restitution is not ordered, the court shall state its reasons therefor on the record or in its sentencing order. Restitution may be ordered regardless of the offender's ability to pay and regardless of the availability of other compensation; however, restitution is not intended to compensate the victim more than once for the same injury. A restitution order is not a civil judgment.

II. Restitution ordered shall be in addition to any other penalty or fine and may be a condition of probation or parole. Restitution, if ordered, may also be a condition of any work release program administered under RSA 651:19 or RSA 651:25.

III. The making of a restitution order shall not affect the right of a victim to compensation under RSA 21-M:8-h, except to the extent that restitution is actually collected pursuant to the order. The offender shall reimburse the victims' assistance fund for any payments made by the fund to the victim pursuant to RSA 21-M:8-h after the restitution order is satisfied.

Refused or unclaimed restitution payments shall be made to the victims' assistance fund.

IV. The court's determination of the amount of restitution shall not be admissible as evidence in a civil action. The court shall reduce any civil damage awards by restitution ordered and paid to the victim. Restitution orders shall survive bankruptcy.

V. The court shall add 17 percent to the total restitution payment as an administrative fee to be paid by the offender. Such administrative fee shall be divided into the following components, to be designated as follows: 15 percent shall be continually appropriated to a special fund for the division of field services, department of corrections, \$22,500 of which shall lapse to the general fund at the end of each quarter should that amount be received, to maximize restitution collections, directly or through agents of contractors selected by the department; and 2 percent for the victims' assistance fund. Administrative fees shall be paid by the offender in addition to and when each restitution payment is made.

VI. Restitution, administrative fines and fees, and other fees collected, except for supervision fees pursuant to RSA 504-A:13, shall be allocated on a pro-rata basis by the commissioner of corrections or his or her designee when payments are insufficient to cover the full amount due for each of these balances, except that restitution to victims shall have priority over all other allocations.

VII. On or before July 1, 1997, and each year thereafter until July 1, 2000, the division of field services, department of corrections, shall submit an annual budget plan to the joint legislative fiscal committee. The division of field services, department of corrections, shall have the authority to hire temporary personnel and to procure equipment and expend relevant operating expenses as may be necessary to implement this chapter.

## History

**Source.** 1981, 329:2, eff. Aug. 16, 1981. 1996, 286:7, eff. July 1, 1997; 286:19, eff. July 1, 2001. 1999, 261:6, eff. July 1, 1999.

### Annotations

Amendments--1999. Paragraph VI: Inserted "by the commisstioner of corrections or his or her designee" following "basis" and added "except that restitution to victims shall have priority over all other allocations" at the end of the paragraph.

--1996. Chapter 286:7 rewrote section to the extent that a detailed comparison would be impracticable.

Chapter 286:19 rewrote par. V.

Repeal of 1996, 286:19 amendment. 2001, 176:1, eff. July 5, 2001, provided for the repeal of the amendment to par. V of this section by 1996, 286:19, which was to have taken effect July 1, 2001.

## CROSS REFERENCES

Restitution to victim's assistance fund, see RSA 21-M:8-l.

### Annotations

#### Analysis

1. Criteria for ordering restitution.
2. Due process.
3. Restitution.
1. Criteria for ordering restitution.

Three criteria must be met in order to warrant restitution: (1) restitution will serve to rehabilitate the offender; (2) restitution will compensate the victim; and (3) no other compensation is available. *State v. Stearns*, 130 N.H. 475, 547 A.2d 672 (1988).

In considering whether criterion for restitution is met, that no other compensation is available, defendant who contests a restitution order has not shown that other compensation is available merely by showing that a plaintiff could bring a civil suit for damages and that the defendant is not indigent. *State v. Stearns*, 130 N.H. 475, 547 A.2d 672 (1988).

Restitution orders are not mandated in all bad check criminal cases; restitution is a discretionary matter and should only be ordered when (1) restitution will serve to rehabilitate the offender, (2) restitution will compensate the victim, and (3) no other compensation is available. *Milone v. New Hampshire*, 73 B.R. 452 (Bankr. D.N.H. 1987).

2. Due process.

An order for restitution is part of the sentencing process, and federal constitutional right to due process applied to defendant's restitution hearing. *State v. Eno*, 143 N.H. 465, 727 A.2d 981 (1999).

### 3. Restitution.

Where defendant was ordered to pay restitution to a humane society for costs incurred as a result of defendant's cruelty to 20 dogs, and the humane society had received donations directly related to defendant's case that exceeded the amount of the humane society's claimed losses, defendant, nonetheless, was properly required to pay restitution under RSA 651:63, I, because nothing in the statute precluded victims from receiving both restitution and voluntary public donations. *State v. Burr*, 147 N.H. 102, 782 A.2d 914 (2001). Cited. *State v. Fleming*, 125 N.H. 238, 480 A.2d 107 (1984); *State v. Springer*, 133 NH 223, 574 A.2d 1381 (1990); *State v. Schachter*, 133 N.H. 439, 577 A.2d 1222 (1990); *State v. W.J.T. Enters., Inc.*, 136 N.H. 490, 618 A.2d 806 (1992).

### Library References

NH Practice 1 N.H.P. Criminal Practice & Procedure § 3.

2 N.H.P. Criminal Practice & Procedure § 1058.

2A N.H.P. Criminal Practice & Procedure §§ 1184.

ALR Ability to pay as necessary consideration in conditioning probation or suspended sentence upon reparation or restitution. 73 ALR3d 1240.

Measure and elements of restitution to which victim is entitled under state criminal statute. 15 ALR5th 391.

Persons or entities entitled to restitution as "victim" under state criminal restitution statute. 92 ALR5th 35.

### **§ 651:64. Time and Method of Restitution.**

I. The time and method of restitution payments or performance of restitution services shall be specified by the department of corrections. Monetary restitution may be by lump sum, or by periodic installments in any amounts. The court shall not be required to reduce the total obligation as a result of the offender's inability to pay. The offender shall bear the burden of demonstrating lack of ability to pay. Restitution shall be paid by the offender to the department of corrections unless otherwise ordered by the court. Monetary restitution shall not bear interest. Restitution shall be made to any collateral source or subrogee, if authorized by that source and after restitution to the victim, and to the victims' assistance fund, if applicable, has been satisfied. Restitution shall be a continuing obligation of the offender's estate and shall inure to the benefit of the victim's estate, provided that no indebtedness shall pass to any heir of the offender's estate.

II. The department of corrections shall have continuing authority over the offender for purposes of enforcing restitution until the restitution order is satisfied.

III. The department may garnish the offender's wages for the purpose of ensuring payment of victim restitution.

## History

**Source.** 1981, 329:2. 1994, 190:2, eff. Sept. 21, 1994. 1996, 286:7, eff. July 1, 1997.

Annotations

Amendments--1996. Rewritten to the extent that a detailed comparison would be impracticable.

--1994. Added the third sentence and deleted "in those cases" preceding "the corrections" in the fourth sentence.

Annotations

Cited. State v. Springer, 133 N.H. 223, 574 A.2d 1381 (1990).

### **§ 651:65. Civil Actions.**

This subdivision does not bar, suspend, or otherwise affect any right or liability for damages, penalty, forfeiture or other remedy authorized by law to be recovered or enforced in a civil action, regardless of whether the conduct involved in such civil action constitutes an economic loss. Any restitution ordered and paid shall be deducted from the amount of any judgment awarded in a civil action brought by the victim or other authorized claimant against the offender based on the same facts. If the restitution ordered and made was work restitution, the reasonable value of the services may be deducted from any such judgment.

## History

**Source.** 1981, 329:2, eff. Aug. 16, 1981.

Annotations

Annotations

Cited. State v. Fleming, 125 N.H. 238, 480 A.2d 107 (1984); State v. Stearns, 130 N.H. 475, 547 A.2d 672 (1988); State v. Springer, 133 N.H. 223, 574 A.2d 1381 (1990).

### **§ 651:66. Revocation of Restitution.**

The supervising agency, or the offender who has been sentenced to pay restitution and has not inexcusably defaulted in payment thereof, may at any time petition the court which sentenced him for a revocation of any unpaid portion of the restitution. If the court finds that the circumstances which warranted the imposition of the restitution have changed, or that it would otherwise be unjust to require payment, the court may revoke the unpaid portion of the restitution in whole or in part, or modify the time and method of payment.

## History

**Source.** 1981, 329:2, eff. Aug. 16, 1981.

## Annotations

### Annotations

Cited. State v. Fleming, 125 N.H. 238, 480 A.2d 107 (1984); State v. Springer, 133 N.H. 223, 574 A.2d 1381 (1990).

## **§ 651:67. Failure to Make Restitution.**

I. Any offender who is sentenced to make restitution under RSA 651:63, and who purposely violates the court's order by either failing to make restitution or by defaulting in the payment or performance of the restitution authorized, may be prosecuted for contempt.

II. In the case of a juvenile offender, restitution must be paid before the juvenile's eighteenth birthday, or for any person sentenced pursuant to RSA 169-B:4, before his nineteenth birthday. Any offender who fails to make restitution as ordered before the termination of juvenile court jurisdiction may be prosecuted, as an adult, for contempt.

## **History**

**Source.** 1981, 329:2. 1985, 130:1, eff. Jan. 1, 1986.

### Annotations

Amendments--1985. Designated existing provisions of section as par. I, inserted "purposely" preceding "violates" and substituted "may be prosecuted for" for "shall be guilty of" preceding "contempt" in that paragraph, and added par. II.

### Annotations

Cited. State v. Fleming, 125 N.H. 238, 480 A.2d 107 (1984); State v. Springer, 133 N.H. 223, 574 A.2d 1381 (1990).

## Library References

ALR Jurisdiction or power of juvenile court to order parent of juvenile to make restitution for juvenile's offense. 66 ALR4th 985.

## CHAPTER Jus 600 VICTIMS COMPENSATION

### PART Jus 601 DEFINITIONS

Jus 601.01 "Claimant" means a victim, as defined in Jus 601.04, who is requesting compensation for out-of-pocket costs, medical treatment expenses, funeral and burial expenses, mental health counseling expenses, and/or lost wages as a direct result of a crime as described in Jus 601.03. "Claimant" includes, in the case of a victim who is a minor, the victim's parent or guardian, and in the case of a victim's incompetency, the victim's spouse, parent or guardian.

[Source.](#) #4864, eff 7-13-90; amd by #5430, eff 7-1-92, EXPIRED: 7-1-98

[New.](#) #7117, eff 10-8-99

Jus 601.02 "Commission" means the victims' assistance commission nominated by the attorney general and approved by governor and council.

[Source.](#) #4864, eff 7-13-90; amd by #5430, eff 7-1-92, EXPIRED: 7-1-98

[New.](#) #7117, eff 10-8-99

Jus 601.03 "Crime" means:

- (a) An offense under state or federal law that is a felony, a misdemeanor, or that is associated with driving while under the influence, which is reported to a law enforcement agency; or
- (b) An act of terrorism, as defined in section 2331 of Title 18, United States Code, committed outside of the United States against a resident of New Hampshire.

[Source.](#) #4864, eff 7-13-90; amd by #5430, eff 7-1-92; ss by #6544, eff 7-25-97; ss by #7117, eff 10-8-99

Jus 601.04 "Victim" means any person who, as a direct result of a crime as described in Jus 601.03, has sustained personal injury or death in this state; or if a citizen of New Hampshire, in any state which does not have a victim's compensation provision; or a resident of New Hampshire who is injured or killed by an act of terrorism, as defined in section 2331 of Title 18, United States Code, committed outside of the United States, and that person's immediate family members.

[Source.](#) #5430, eff 7-1-92; ss by #6052, eff 7-1-95; ss by #6544, eff 7-25-97

### PART Jus 602 APPLICATION

Jus 602.01 Claim. A claim shall be filed by the victim or on behalf of the victim no later than one year after the occurrence of the crime. The commission shall accept claims filed more than one year from the occurrence of the crime, if by vote of its members it determines that the failure to submit a timely application was due to circumstances beyond the victim's or claimant's control.

[Source.](#) #4864, eff 7-13-90; ss by #6052, eff 7-1-95

Jus 602.02 Application Form.

- (a) A claim shall be made on an application form provided by the commission.
- (b) The claimant shall provide the following on the application:
  - (1) The victim's:

- a. Full name;
  - b. Address;
  - c. Telephone number;
  - d. Date of birth;
  - e. Age;
  - f. Sex;
  - g. Occupation;
  - h. Place of employment;
  - i. Marital status; and
  - j. Spouse's name;
- (2) If someone other than the victim is filing the claim, that person's:
- a. Name;
  - b. Address;
  - c. Telephone number;
  - d. Date of birth;
  - e. Sex; and
  - f. Relationship to the victim;
- (3) In instances of the victim's death, the name and address of dependents and the extent to which each relied upon the deceased for support;
- (4) An accurate description of the crime to include:
- a. The date, time, and place of occurrence;
  - b. Date and time reported to police;
  - c. The name of the police agency; and
  - d. The name of the offender, if known;
- (5) The nature and extent of the injuries sustained and the name and address of the physician and/or hospital where medical treatment was received;
- (6) The loss of work sustained as a result of the injury;
- (7) The amount of benefits the victim, dependent(s) has received or is about to receive from any collateral source for economic loss that resulted from the injury and the name of that collateral source;
- (8) Whether the victim is a relative of the offender or accomplice or whether the applicant lives with the offender or accomplice; and
- (9) A release authorizing the commission to obtain any reports, documents, or other information needed to verify the claim being made for compensation.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96

New. #7117, eff 10-8-99

#### Jus 602.03 Enclosures.

- (a) The following documents shall accompany the application:
- (1) If medical expenses are claimed, a report of the physician or mental health counselor who treated the victim for the injuries for which compensation is claimed, and all itemized statements of medical costs;
  - (2) If loss of paid leave time, wages or family income are claimed, a statement from the victim's employer stating the amount of time lost from work and, if applicable, the wages lost during that time period;

- (3) If funeral expenses are claimed, a copy of the death certificate and an itemized statement for the funeral; and
  - (4) If other costs are claimed, an itemized statement of such expenses.
- (b) If the individual claiming compensation is self employed, a copy of the individual's tax returns for the year of the crime and for the prior year shall accompany the application.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96  
New. #7117, eff 10-8-99; ss by #7724, eff 6-29-02

Jus 602.04 Incomplete Application. Whenever an application is not complete or the commission requires further explanation or information, the commission shall advise the victim in writing. The victim shall provide the required data within 30 days, or the claim shall be deemed withdrawn.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96  
New. #7117, eff 10-8-99

## PART Jus 603 EVALUATION STANDARDS

Jus 603.01 Award. Awards shall not exceed the actual economic loss of the victim, nor shall the award be less than \$100 or greater than \$10,000.

Source. #4864, eff 7-13-90, EXPIRED: 7-13-96  
New. #7117, eff 10-8-99

Jus 603.02 Acceptable Costs.

(a) The commission shall make awards to victims for the following expenses when such expenses directly resulted from the crime:

(1) Compensation for the out-of-pocket expenses of:

- a. The replacement value of any clothing or bedding held for evidence purposes;
- b. Costs associated with securing and cleaning a crime scene;
- c. Mileage to and from licensed health care providers, paid at the rate used to compensate mileage of state employees at the time that the commission compensates the victim;
- d. Prescription medications;
- e. Necessary physical assistance equipment;
- f. Replacements for hearing aids, dentures, prescription eyeglasses, prescription contact lenses, and other physical assistance equipment that was lost or damaged; and
- g. Any other reasonable costs incurred by the victim directly related to the victim's condition resulting from the crime;

(2) Compensation for the actual cost of reasonable and necessary medical treatment by a licensed health care provider.

(3) Compensation for the deceased victim's funeral and burial expenses, excluding expenses associated with the reception, a wake and the purchase of clothing necessary for such events, but not to exceed \$3,000 for funeral expenses and \$500.00 for grave marker expenses;

(4) Compensation for mental health counseling expenses, which shall not exceed \$3,000 unless:



- a. The trauma suffered by the victim is such that the mental health counseling he or she has received has not been enough for the victim to successfully terminate the therapeutic process;
- b. The provider of the victim's mental health counseling provider submits a status report of the victim's progress to date and a treatment plan for future services; and
- c. The commission reviews the status report and treatment plan and determines that additional mental health counseling services are necessary and directly resulted from the crime;
- (5) Compensation for financial support lost due to the victim's total or partial disability or death;
- (6) Compensation for wages lost while the victim or the parent of a child victim was engaged in the following activities;
  - a. Medical and mental health appointments;
  - b. Reasonable travel time required to attend medical and mental health appointments;
  - c. Pre-trial preparation required by a prosecutor, including depositions, meetings with a prosecutor, investigations and pre-trial court appearances; and
  - d. Trials, sentencing hearings, and probation and parole hearings; and
- (7) Compensation for costs directly attributable to the victim's relocation necessitated by safety, including but not limited to the victim's:
  - a. Security deposit and 2 months' rent;
  - b. Basic utility connection deposit; and
  - c. Moving expenses.
- (b) Claims pursuant to (a)(5) above for loss of financial support due to the victim's total or partial disability that exceed 14 consecutive days following the date of the crime shall require confirmation from a treating licensed health care professional.
- (c) Claims pursuant to (a)(7) above shall require confirmation of the relocation expenses by an advocate or crisis center personnel.

Source. #4864, eff 7-13-90; amd by #5430, eff 7-1-92; ss by #6052, eff 7-1-95; amd by #7394, eff 10-28-00; ss by #7724, eff 6-29-02

Jus 603.03 Limitations on Awards. The commission shall not make an award if:

- (a) The incident upon which the claim is being made was not reported to a police agency within 5 days of its occurrence, or if the incident could not have been reported within such period, within 5 days of the time when a report could have been made;
- (b) The victim engaged in conduct which contributed to his injury or death or engaged in conduct which could have been foreseen as leading to death or injury;
- (c) The victim committed a crime which caused or contributed to his death or injury;
- (d) The victim was incarcerated in a correctional facility;
- (e) The victim/claimant has not fully cooperated with the appropriate law enforcement agency, except that the victim shall be eligible for compensation if the commission determines, based upon information supplied in writing by the victim/claimant at the commission's request for such information, that the victim/claimant had good cause for failing to fully cooperate with the appropriate law enforcement authority. Good cause shall

include the victim's reasonable concerns that adverse consequences would result from full cooperation;

(f) The victim was a passenger in the offender's vehicle and knew or should have known that the offender was under the influence of controlled drugs or alcohol; and

(g) It appears to the commission that the victim/claimant's economic losses or debts incurred as a direct result of the crime will be covered by and/or reimbursed by private insurance carriers, private foundations, and/or local, state or federal programs, including but not limited to:

- (1) Health insurance and HMO benefits;
- (2) Life insurance and other death benefits;
- (3) Disability benefits;
- (4) The Hill-Burton Act;
- (5) Any public assistance program;
- (6) Worker's compensation;
- (7) Unemployment compensation;
- (8) Medicare;
- (9) Medicaid;
- (10) Social Security, Social Security disability, Social Security income, or Social Security death benefits;
- (11) The Harry Gregg Foundation;
- (12) The Bean Foundation;
- (13) By an offender or his/her resources, such as the offender's home, health or auto insurance;
- (14) Veteran's and military benefits; and/or
- (15) State and local hospitalization programs.

[Source.](#) #4864, eff 7-13-90; amd by #5430, eff 7-1-92; amd by #6052, eff 7-1-95; ss by #7117, eff 10-8-99

## PART Jus 604 QUALIFICATIONS AND NOMINATIONS

Jus 604.01 Commission. The attorney general shall nominate no fewer than 3 nor more than 5 individuals to serve as members of the commission. Each member shall serve for a 3 year term or until a successor is nominated and approved, except that the initial appointments shall be for one, 2, or 3 years. All appointments shall be effective when the nomination is approved by the governor and council.

[Source.](#) #4864, eff 7-13-90; ss by #6052, eff 7-1-95

Jus 604.02 Commission Members. One member of the commission shall be a licensed health care provider, one shall be an attorney and one shall have been a victim.

[Source.](#) #4864, eff 7-13-90, EXPIRED: 7-13-96  
[New.](#) #7117, eff 10-8-99

Jus 604.03 Chairperson. The attorney general shall designate one member of the commission as chairman.

[Source.](#) #4864, eff 7-13-90, EXPIRED: 7-13-96  
[New.](#) #7117, eff 10-8-99

Jus 604.04 Meeting. The commission shall meet at least monthly or at the call of the chairperson.

[Source](#). #4864, eff 7-13-90, EXPIRED: 7-13-96

[New](#). #7117, eff 10-8-99

Jus 604.05 Quorum. A majority of the commissioners holding office shall constitute a quorum.

[Source](#). #4864, eff 7-13-90; ss by #6052 eff 7-1-95

Jus 604.06 Decisions. All decisions of the commission shall be final except as provided in Jus 604.07.

[Source](#). #4864, eff 7-13-90, EXPIRED: 7-13-96

[New](#). #7117, eff 10-8-99

Jus 604.07 Reconsideration.

(a) Any victim/claimant who is adversely affected by a decision of the commission, may submit a written petition for reconsideration of that decision by the commission.

(b) The petition shall specify the grounds for the review and the relief the petitioner seeks.

(c) Petitions for reconsideration shall be served upon the commission no later than 14 days from the date of the letter notifying the victim/claimant of the commission's decision. The petition may be served in person or by mail to the "NH Victim's Assistance Commission, Department of Justice, 33 Capitol Street, Concord, NH 03301-6397".

(d) The commission shall provide the victim/claimant with a written decision on the petition within 30 days of the date the petition is reviewed by the commission.

[Source](#). #4864, eff 7-13-90; amd by #5430, eff 7-1-92; ss by #7117, eff 10-8-99

#### PART Jus 605 RECOVERY OF AWARDS

Jus 605.01 Recovery. An award for compensation shall not affect the right of any person to institute a civil suit to recover damages for personal injury, death, or catastrophic property loss from any other person. However, if damages in a civil action are recovered, the person shall reimburse the victims' assistance fund, through the department of justice, in an amount equal to the compensation awarded by the commission, or in such lesser amount after deducting fees and costs associated with the civil action.

[Source](#). #4864, eff 7-13-90; amd by #5430, eff 7-1-92, EXPIRED: 7-1-98

[New](#). #7117, eff 10-8-99

Jus 605.02 Filing of Suit. When any victim/claimant who has received an award from the commission files a civil action to recover damages, he shall, at the time of the filing of the suit, notify the commission and the department of justice.

[Source](#). #4864, eff 7-13-90; amd by #5430, eff 7-1-92, EXPIRED: 7-1-98

[New](#). #7117, eff 10-8-99

Jus 605.03 Repayment. If a victim/claimant at any time, receives payment for damages, injury or economic loss from any source, and if the victim/claimant has been compensated by the commission for such loss, the victim/claimant shall:

(a) Immediately notify the commission thereof; and

(b) Within 30 days, reimburse the victims assistance fund as provided in Jus 605.01.

[Source.](#) #4864, eff 7-13-90; amd by #5430, eff 7-1-92, EXPIRED: 7-1-98  
[New.](#) #7117, eff 10-8-99

**PART Jus 606 UNJUST ENRICHMENT**

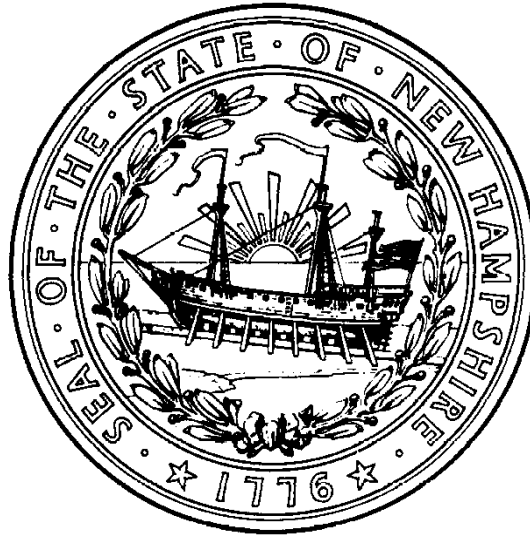
Jus 606.01 Unjust Enrichment. No victim shall be denied compensation solely because the victim is a relative of the offender or lived with the offender at the time of injury or death. However, if the victim is a relative of the offender or lives with the offender at the time of the award, no compensation shall be made unless the commission first determines that the offender will neither have access to nor receive personal benefit from the award.

[Source.](#) #4864, eff 7-13-90, EXPIRED: 7-13-96  
[New.](#) #7117, eff 10-8-99

**APPENDIX**

<b>RULE</b>	<b>STATE STATUTE IMPLEMENTED</b>
Jus 602.03	RSA 21-M:8-h, I and V and RSA 21-M:8-j, I
Jus 603.02(c)	RSA 21-M:8-h, I and V and RSA 21-M:8-j, II

**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE**



**RECOVERY ACT – OVC FY 09 VOCA  
VICTIM COMPENSATION FORMULA  
GRANT PROGRAM**

**APPLICATION**

**File 4: Data Collection Plan**

**John H. Lynch, Governor  
Kelly A. Ayotte, Attorney General**

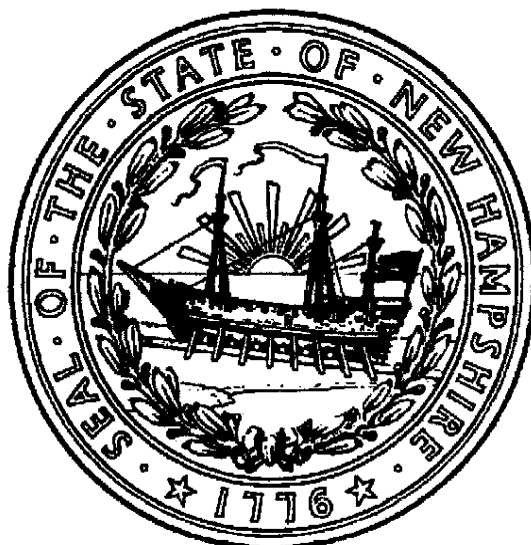
The State of New Hampshire Department of Justice will collect data and statistics required to report the Performance Measures identified under the Recovery Act OVC FY 09 VOCA Victim Compensation Formula Grant Program. The objective of this program is to provide direct services to crime victims in support of the Recovery Act objectives of preserving and creating jobs and promoting economic recovery. In order to evaluate our achievement of this objective, the NH Department of Justice will collect data which reflect the number of jobs (income) retained due to Recovery Act funding, and the level of essential services maintained without disruption.

Specifically, the Victim Compensation Unit will provide the number of people receiving work-loss benefits, defined as lost wages or lost support, which will provide a measure of how many claimants received Recovery Act funds to help offset their economic loss due to victimization. This information will be collected during each reporting period in which Recovery Act funds are utilized to pay claims.

The Victim Compensation Unit will also report the dollar amount spent on providing essential services, by providing data on how much recovery Act funding was spent on providing each type of essential service (e.g. medical, dental, etc.) during each specific reporting period in which Recovery Act funds are utilized to pay claims.

Consistent with the special purposes and goals of the Recovery Act, all funds from this Recovery Act grant will be accounted for separately from all other funds, including the FY 09 Formula (non-Recovery-Act) Victim Compensation award. The Recovery Act funds account will be assigned its own financial organizational code within our state accounting system. The state accounting system is able to generate reports detailing the payments made from each organizational code, including compensation claims identified by individual type of service provided. We will use these system reports to ensure that all victim compensation claims paid from Recovery Act funds are tracked and reported separately from other claims, and to report the specific information outlined above for each reporting period.

**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE**



**RECOVERY ACT – OVC FY 09 VOCA  
VICTIM COMPENSATION FORMULA  
GRANT PROGRAM**

**APPLICATION**

**File 5: Certification as to Recovery Act Reporting  
Requirements**

**John H. Lynch, Governor  
Kelly A. Ayotte, Attorney General**



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS

**Recovery Act – OVC FY 09 VOCA Victim Compensation  
Formula Grant Program**

**Certification as to Recovery Act Reporting Requirements**

On behalf of the applicant entity named below, I certify the following to the Office of Justice Programs, U.S. Department of Justice:

I have personally read and reviewed the section entitled "Accountability and Transparency under the Recovery Act" in the program announcement for the Recovery Act grant program identified above. I have also read and reviewed section 1512(c) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), concerning reporting requirements for grants. I agree that the applicant will comply with the reporting requirements set forth therein with respect to any grant the applicant may receive under the Recovery Act grant program identified above.

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Programs, grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs, and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant entity (that is, the entity applying directly to the Office of Justice Programs).

*Rosemary Fardira*  
Signature of Certifying Official

ROSEMARY FAREIRA  
Printed Name of Certifying Official

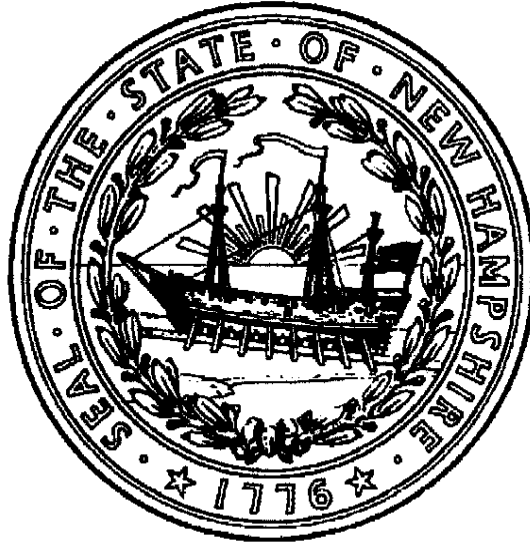
DIRECTOR OF ADMINISTRATION  
Title of Certifying Official

STATE OF NEW HAMPSHIRE DEPARTMENT OF JUSTICE  
Full Name of Applicant Entity

3-12-09  
Date



**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE**



**RECOVERY ACT – OVC FY 09 VOCA  
VICTIM COMPENSATION FORMULA  
GRANT PROGRAM**

**APPLICATION**

**File 6: General Certification as to Requirements for Receipt  
of Funds for Infrastructure Investments**

**John H. Lynch, Governor  
Kelly A. Ayotte, Attorney General**



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS

**Recovery Act - OVC FY 09 VOCA Victim Compensation  
Formula Grant Program**

**General Certification as to Requirements for Receipt of Funds  
for Infrastructure Investments**

On behalf of the applicant state or unit of local government (including tribal government) named below, I certify the following to the Office of Justice Programs ("OJP"), U.S. Department of Justice:

I have personally read and reviewed the section entitled "Eligibility" in the program announcement for the Recovery Act grant program named above. I also have personally read and reviewed section 1511 of the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), which requires a specific certification prior to receipt of Recovery Act funds for infrastructure investments.

*Initial the statement that applies:*

☒ The applicant identified below **does not intend to use** any portion of any funds received under this Recovery Act grant program for any infrastructure investment. Should this intention change, the applicant will promptly notify OJP, and (except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law) will not draw down, obligate, or expend any funds received under this Recovery Act program for any infrastructure investment project until section 1511 of the Recovery Act has been satisfied, and an adequate project-specific certification has been executed, posted, and submitted to OJP.

☐ The applicant identified below **does intend to use** some or all of any funds received under this Recovery Act grant program for one or more infrastructure investment projects. Except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law, I agree that the applicant entity will execute, post, and submit to OJP, prior to obligating, expending, or drawing down funds for such project, a project-specific certification that satisfies all of the requirements of section 1511 (including execution by the Governor, mayor, or other chief executive, as appropriate) for each such infrastructure investment project.



Page 2 of 2

U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS

**General Certification as to Requirements for Receipt of Funds  
for Infrastructure Investments**

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant (that is, the governmental entity applying directly to the Office of Justice Programs).

Rosemary Faretra  
Signature of Certifying Official

ROSEMARY FARETRA  
Printed Name of Certifying Official

DIRECTOR OF ADMINISTRATION  
Title of Certifying Official

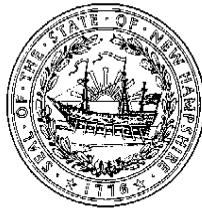
STATE OF NEW HAMPSHIRE DEPARTMENT OF JUSTICE  
Full Name of Applicant Government Entity

3-12-09  
Date

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE  
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II  
DEPUTY ATTORNEY GENERAL

March 12, 2009

Joye Frost, Acting Director  
Office for Victims of Crime  
U.S. Department of Justice  
810 Seventh Street NW Eighth Floor  
Washington, DC 20531

Re: Letter of Nonsupplanting: Recovery Act - OVC FY 09 VOCA Victim  
Compensation Formula Grant Program

Dear Director Frost:

The State of New Hampshire Department of Justice certifies that any funds awarded through the Recovery Act – OVC FY 09 VOCA Victim Compensation Formula Grant Program will be used to supplement existing funds for program activities and will not replace (supplant) nonfederal funds that have been appropriated for the purpose of providing services to victims of crime. The State of New Hampshire Department of Justice understands that supplanting violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rosemary Faretra", is written over the typed name.

Rosemary Faretra  
Director of Administration  
(603) 271-1234  
[Rosemary.Faretra@doj.nh.gov](mailto:Rosemary.Faretra@doj.nh.gov)



**JOHN H. LYNCH**  
Governor

# State of New Hampshire

## OFFICE OF THE GOVERNOR

107 North Main Street, State House - Rm 208  
Concord, New Hampshire 03301  
Telephone (603) 271-2121  
[www.nh.gov/governor](http://www.nh.gov/governor)  
[governorlynch@nh.gov](mailto:governorlynch@nh.gov)

March 2, 2009

President Barack Obama  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear Mr. President:

In accordance with Section 1607(a) of the American Recovery and Reinvestment Act of 2009 (the Act), for all funds provided by the Act to the State of New Hampshire or any of its agencies, I certify that (1) the State of New Hampshire will request and use funds provided by the Act; and (2) the funds will be used to create jobs and promote economic growth.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Lynch", written over a large, stylized circular flourish.

John H. Lynch  
Governor

CC: Peter Orszag, Director  
Office of Management and Budget